



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 541**

July 12, 2005 – Offered by Representative UNDERHEIM.

1 **AN ACT to create** 121.78 (5) of the statutes; **relating to:** payment for educational
2 services provided to a pupil who is placed in a secure detention facility, hospital,
3 inpatient facility, state treatment facility, approved public or private treatment
4 facility, jail, or county house of correction.

Analysis by the Legislative Reference Bureau

Under current law, a juvenile who has been taken into custody and who meets certain criteria may be held in custody prior to disposition in a secure detention facility or juvenile portion of a county jail. A juvenile may also be placed in a secure detention facility or juvenile portion of a county jail under a dispositional order, as a sanction for violating a dispositional order, for short-term detention while an alleged violation of a dispositional order or condition of aftercare is being investigated, or for short-term detention as a consequence of such a violation. In addition, a juvenile who is mentally ill, drug dependent, or developmentally disabled, who is dangerous, and who is a proper subject for treatment may be taken into custody and involuntarily committed for treatment in a hospital, inpatient facility, state treatment facility, or approved public or private treatment facility. Finally, a juvenile 15 years of age or over who is subject to the jurisdiction of the court of criminal jurisdiction may be held in an adult jail in the same manner as an adult.

Current Department of Corrections (DOC) rules require the superintendent of a secure detention facility or juvenile portion of a county jail to ensure that a juvenile

held in the secure detention facility or juvenile portion of a county jail has access to educational services, as provided by the school district in which the secure detention facility or juvenile portion of a county jail is located. Current DOC rules also require the sheriff of each county to develop a written policies and procedures manual for the operation of each jail or county house of correction that includes policies and procedures for providing educational programming for prisoners under 18 years of age. Current Department of Health and Family Services rules require a mental health program serving children and adolescents to provide or arrange for educational programs to meet the needs of all patients served by the program.

This substitute amendment provides that when a pupil who is placed in a secure detention facility, hospital, inpatient facility, state treatment facility, approved public or private treatment facility, jail, or county house of correction is provided with educational services by the school district in which the placement is located, the school board of the school district in which the pupil resided at the time the pupil was placed must pay tuition for the pupil to the school district providing the educational services. The substitute amendment requires the school board to pay for each full-time equivalent pupil served by the school district providing the educational services an amount equal to the average per pupil cost for the school district of the school board.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 121.78 (5) of the statutes is created to read:
2 121.78 (5) EDUCATIONAL SERVICES FOR PUPILS IN SECURE CUSTODY OR TREATMENT
3 FACILITIES. If a pupil who is placed in a secure detention facility, as defined in s. 938.02
4 (16), inpatient facility, as defined in s. 51.01 (10), facility listed in s. 51.15 (2), jail, or
5 county house of correction is provided with educational services by the school district
6 in which the placement is located, the school board of the school district in which the
7 pupil resided at the time the pupil was placed shall pay tuition for the pupil to the
8 school district providing the educational services. A school board paying tuition for
9 a pupil under this subsection shall count the pupil as 1.0 pupil in membership for
10 general aid under subch. II. The school board shall pay for each full-time equivalent

1 pupil served by the school district providing the educational services an amount
2 equal to the average per pupil cost for the school district of the school board.

3 (END)